REMARKS

Sequence Listing and Amendments to the Specification

Applicants submit herewith a sequence list and amendments to the specification to inserting sequence identifiers (SEQ ID NOs). No new matter is added by this amendment, which is fully supported by the sequences set forth in the specification as originally filed.

Interview Summary

Applicants thank the Examiner for the telephonic interview of 19 November, 2009 and the clarification of the time period for submitting a response to the office action and providing the sequence listing. Based upon that interview Applicants understand that the requirement for filing a sequence listing was removed and the next date for responding to USPTO was governed by the mailing of the Office Action of July 21, 2009.

Objections

Claim 24 is objected to on the basis that it does not include SEQ ID NOs. Applicants respectfully submit that that claim is directed to more than one sequence and that any skilled artisan would be able to identify the sequence from and its SEQ ID NO from those found in the accompanying table and sequence listing. In order to advance prosecution, Applicants have amended the claims to insert the sequence identifiers.

Provisional Double Patenting over U.S. Patent Application 10/478,811

Applicants respectfully request the nonstatutory double patenting rejection be held in abeyance until the scope of patentable subject matter is determined. Moreover, as U.S. Patent Application 10/478,811, has not been allowed, any terminal disclaimer would be premature.

Rejection of Claims Under 35 U.S.C. § 112, first paragraph

Claims 18-28 and 30 are rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the enablement requirement, as the specification allegedly "does not reasonably provide enablement for a composition and method for inhibiting antiviral activity in vivo."

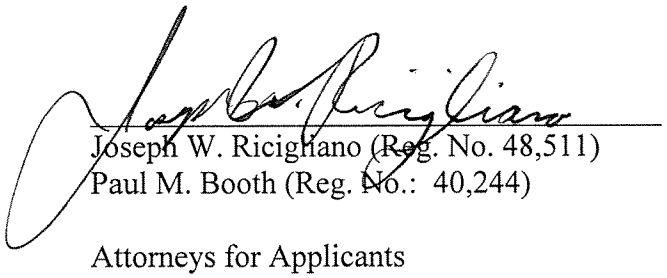
Applicants respectfully traverse this rejection. In order to meet the enablement requirement an application need describe no more than one method of making and using a composition. *See* MPEP 2164.01(b) discussing the enablement requirement and the holding in *In re Fisher*, 427, F.2d, 883 (CCPA 1970). The Examiner states that the specification is "enabling for a composition and method for inhibiting the activity of HIV", thus the specification provides at least one method of making and using the claimed compositions. Applicants respectfully submit that whatever else specification teaches about antiviral activity *in vivo*, that is not germane to the enablement of composition claims 18-28 and 30 under 35 U.S.C. § 112 first paragraph by the specification.

CONCLUSION

Applicants respectfully submit that every rejection and objection of the pending claims has been overcome, and they respectfully request withdrawal of those objections and rejections along with an indication that the claims are in condition for allowance. If the Examiner has any questions he is invited to contact Applicants undersigned representative.

Date: January 21, 2010

Respectfully submitted,



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